

EXHIBIT D

GIDEON, COOPER & ESSARY

A PROFESSIONAL LIMITED LIABILITY COMPANY

315 DEADERICK STREET, SUITE 1100

NASHVILLE, TENNESSEE 37238

(615) 254-0400

FAX (615) 254-0459

www.gideoncooper.com

C. J. GIDEON, JR.¹
DIXIE W. COOPER²
BRYAN ESSARY³
CHRIS J. TARDIO⁴
CHRISTOPHER A. VRETTOS
ALAN S. BEAN
JAMES C. SPERRING
JOSHUA R. ADKINS
KIM J. KINSLER⁵
RANDA VON KANEL
J. BLAKE CARTER¹
MARK A. HAMMERVOLD¹
MATT H. CLINE
JOHN-MARK ZINI⁶

¹ LICENSED IN TN & FL
² LICENSED IN TN, AL & TX
³ LICENSED IN TN & GA
⁴ LICENSED IN TN & KY
⁵ LICENSED IN TN & WI
⁶ LICENSED IN TN & KS

CHRIS TARDIO
chris@gideoncooper.com

January 28, 2014

Via email only

Frederick H. Fern
Harris Beach PLLC
100 Wall Street
New York, NY 10005
FFERN@HARRISBEACH.COM

Paul D. Moore, Esq.
Duane Morris, LLP
Suite 2400
100 High St.
Boston, MA 02110
pdmoores@duanemorris.com

Re: NECC Document Repository

Dear Messrs. Moore and Fern:

We represent defendants Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John W. Culclasure, MD; Debra V. Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; and Kenneth Lister, MD, PC, in lawsuits currently pending in the NECC MDL.

I am writing to request access to the roughly 40,000 documents NECC informally produced to the Plaintiffs' Steering Committee ("PSC"). At the January 10, 2014, status conference, Michael Gottfried for the Trustee advised the Court that all requests for documents from NECC have been "addressed promptly and appropriate productions made."¹ On September 24, 2013, we sent such a request to the PSC which was forwarded to Mr. Fern. We, in turn, were forwarded a response letter from Mr. Fern to Mark Chalos of the PSC dated October 2, 2013, refusing to allow the PSC to grant us

¹ Hr'g Tr., 36:7-8 (Jan. 10, 2014 status conference).

Messrs. Moore & Fern
January 28, 2014
Page 2

access to the documents due to a confidentiality agreement between NECC and the PSC.


Given the representations made to the Court at the last status conference, we, again, formally request access to the documents NECC produced to the PSC.

As I understand it, our access to the documents will not deplete NECC's bankruptcy estate in any way, and we are willing to pay *reasonable* costs associated with accessing the documents. By letter of November 27, 2013, Ms. Parker of the PSC advised us that the PSC has already uploaded the documents to the US Legal document repository. Therefore, no action on the part of the Trustee is necessary to provide those documents to us, other than to give the PSC permission to allow us to access the US Legal repository.

I am happy to discuss further if you would like to call.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to be 'CJT', written over the typed name.

Chris J. Tardio

Cc: Yvonne Puig, Marcy Greer, Tom Sobol, Gerard Stranch, and Mark Chalos

CJT/mhc